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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 BONNIE LARKIN, an Individual,
16
17 Plaintiff,

18 vs.

19 UNIVERSITY MEDICAL CENTER OF
20 SOUTHERN NEVADA, a political
21 subdivision of Clark County, State of
22 Nevada; DOES I - X; ROE
23 CORPORATIONS I - X.

24 Defendants.

CASE NO.: 2:22-cv-02146-JCM-VCF

~~(PROPOSED)~~ STIPULATION AND
ORDER TO EXTEND DISCOVERY
FOLLOWING RESCHEDULED EARY
NEUTRAL EVALUATION

(FIRST REQUEST)

25 The parties, Plaintiff BONNIE LARKIN (“Plaintiff”), and Defendant UNIVERSITY
26 MEDICAL CENTER OF SOUTHERN NEVADA’s (“UMC” or “Defendant”), by and through
27 their respective attorneys of record, hereby submit this request to continue discovery given the
28 Early Neutral Evaluation (“ENE”) has been reset to July 20, 2023:

I. **THE ENE WAS RESCHEDULED DUE TO PARTIES’ SCHEDULE
CONFLICTS**

1. The Early Neutral Evaluation (“ENE”) in this matter was originally set for April
27, 2023. [ECF No. 7].

2. On April 20, 2023, this Court approved the parties’ stipulated request to conduct
the ENE via Zoom. [ECF 19].

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EARY NEUTRAL EVALUATION (FIRST REQUEST)

3. On April 25, 2023, the Court vacated the April 27, 2023 ENE date due to a conflict in the Court's schedule, and reset the ENE for June 1, 2023, at 9:00 am to be conducted via Zoom. [ECF 22].

4. On May 15, 2023, the Court approved the parties' stipulated request to reschedule the ENE due to Defense counsel's schedule conflict. [ECF 26].

5. The ENE in this matter is currently scheduled for July 20, 2023.

II. ~~PROPOSED~~ DISCOVERY SCHEDULE

1. Discovery Cut-Off: The parties seek to extend the close of discovery currently set for July 31, 2023, to **November 17, 2023**;

2. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts): The parties seek to extend the due date for initial expert disclosures currently set for June 1, 2023, by approximately sixty (60) days from the rescheduled July 20, 2023 ENE to **September 18, 2023**, and the due date for rebuttal expert disclosures be extended accordingly to **October 18, 2023**.

3. Dispositive Motions: The parties seek to extend the due date for dispositive motions currently set for August 30, 2023, to **December 18, 2023**;¹ and

4. Pre-Trial Order: The parties agree that if no dispositive motions are filed, and unless otherwise ordered by this Court, the Joint Pretrial Order shall be filed not more than thirty (30) days after the date set for filing dispositive motions and, therefore, not later than **January 17, 2024**. If dispositive motions are filed, the deadline for filing the Joint Pretrial Order will be suspended until thirty (30) days after decision on the dispositive motions or further court order.

III. REASONS FOR REQUESTED EXTENSION

1. Good cause exists to extend the remaining discovery deadlines to reflect that the ENE will now be conducted on July 20, 2023.

2. *First*, as discussed above, the parties' recent request to reschedule the June 1, 2023 ENE due to scheduling conflicts was approved and the ENE is now set for July 20, 2023.

¹ 30 days from the proposed discovery cutoff of November 17, 2023, is Sunday, December 17, 2023, and as such, the due date was continued to the following business day.

1 While the parties have conducted limited settlement discussions to date, they believe that the
 2 neutral evaluator's assistance at the ENE will greatly increase the likelihood of settlement. As
 3 such, the parties want to preserve judicial and attorney resources (and the time and cost) of this
 4 matter to see whether they can resolve this dispute with Judge Youchah's assistance at the ENE.

5 3. **Second**, Plaintiff's attorney on this matter, Jenny Foley, left HKM and no longer
 6 represents Plaintiffs. Michael Arata from HKM recently appeared on behalf of Plaintiffs [ECF
 7 14] and lead counsel Dan Kalish was admitted *pro hac vice*. [ECF 24]. Since Plaintiffs have
 8 new counsel, they seek additional time to allow their attorneys to get up to speed with the case.

9 4. **Third**, although discovery has started, the parties will need additional time to
 10 finish discovery in event that the matter does not resolve at the ENE. Each of the parties have
 11 exchanged initial disclosures and propounded written discovery requests. In order to help
 12 preserve resources ahead of the ENE, the parties have agreed to continue the due date for their
 13 respective responses to the discovery requests to thirty (30) days after the ENE. Should the
 14 matter not resolve at the ENE, and once the parties' written discovery requests have been
 15 adequately responded to, the parties will also need to conduct depositions, including
 16 Defendant's FRCP 30(b)(6) deposition(s), the Plaintiffs' deposition, as well as other percipient
 17 witness depositions. As the ENE is not set for July 20, 2023, the current July 31, 2023, discovery
 18 cut-off is not feasible.

19 5. For these three reasons, the parties respectfully submit that good cause exists to
 20 extend discovery in this matter to complete the necessary remaining discovery in the event the
 21 case does not resolve at the ENE.

22 IV. DISCOVERY COMPLETED

23 1. The parties exchanged their FRCP 26.1 Initial Disclosure of Documents and
 24 Witness Lists;

25 2. Plaintiff served written discovery on Defendant, which included:

- 26 a. First Set of Interrogatories; and
- 27 b. First Set of Requests for Production of Documents.

28 3. Defendant served written discovery on Plaintiff, which included:

(PROPOSED) STIPULATION AND ORDER TO EXTEND DISCOVERY FOLLOWING RESCHEDULED
 EARLY NEUTRAL EVALUATION (FIRST REQUEST)

- a. First Set of Interrogatories;
- b. First Set of Requests for Admissions; and
- c. First Set of Requests for Production of Documents.

V. DISCOVERY TO BE COMPLETED

1. The parties agree that they will both have 30 days following the ENE to respond to the other's written discovery requests in the event the parties do not reach a settlement at the ENE;

2. The parties anticipate setting depositions of the following individuals:

- a. Plaintiff Bonnie Larkin;
- b. Defendant's Designated FRCP 30(b)(6) Representative(s);
- c. Plaintiff's treating physicians; and
- d. Other percipient witnesses as needed;

3. Additional written discovery as needed;

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4. This is the parties' first request to extend discovery and is not made for the purpose of delay.

Dated: May 18, 2023.

HKM EMPLOYMENT ATTORNEYS, LLP PARKER NELSON & ASSOCIATES, CHTD.

/s/ Michael Arata

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ORDER EXTENDING DISCOVERY

IT IS SO ORDERED:


CAM FERENBACH

UNITED STATES MAGISTRATE JUDGE

DATED: 5-18-2023

(PROPOSED) STIPULATION AND ORDER TO EXTEND DISCOVERY FOLLOWING RESCHEDULED
EARLY NEUTRAL EVALUATION (FIRST REQUEST)